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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INVENTOR:** **HELYNNE SMITH**

**SERIAL NO.:** **10/633,782**

**FILED:** **August 4, 2003**

**FOR:** **BUSINESS METHOD BOARD GAME AND METHOD FOR  
PLAYING THE SAME**

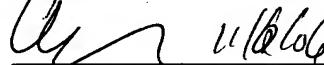
**GROUP ART**  
**UNIT:** **3711**

**EXAMINER:** **VISHU K. MENDIRATTA**

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on November 6, 2006.

Arthur M. Peslak  
(Name of Person Signing Certificate)

  
11/6/06  
(Signature and Date)

**RENEWED PETITION UNDER 37 CFR 1.181**

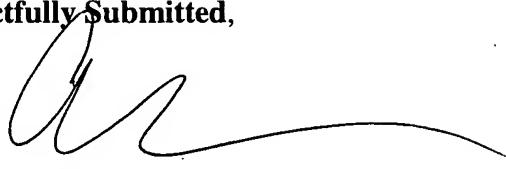
Hon. Commissioner of Patents  
and Trademarks  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the decision mailed October 5, 2006, Applicant submits this Renewed Petition Under 37 CFR 1.181.

Please see the enclosed Request for Reconsideration of Decision on Petition and the supporting factual statement.

Respectfully Submitted,

By: 

Arthur M. Peslak, Esq.  
Reg. No. 35,642  
Attorney for Applicant

November 6, 2006

**MANDEL & PESLAK, LLC**  
80 Scenic Drive, Suite 5  
Freehold, New Jersey 07728



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INVENTOR:** **HELYNNE SMITH**

**SERIAL NO.:** **10/633,782**

**FILED:** **August 4, 2003**

**FOR:** **BUSINESS METHOD BOARD GAME AND METHOD FOR  
PLAYING THE SAME**

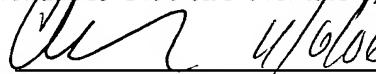
**GROUP ART  
UNIT:** **3711**

**EXAMINER:** **VISHU K. MENDIRATTA**

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Arthur M. Peslak  
(Name of Person Signing Certificate)

 11/6/06  
(Signature and Date)

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION**

Hon. Commissioner of Patents  
and Trademarks  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant, through her undersigned counsel, hereby respectfully requests reconsideration of the Decision mailed October 5, 2006 in response to the Petition filed on July 13, 2006.

In the decision, it was noted that Applicant's counsel did not submit the firms docket record for the period subsequent to the alleged January 10, 2006 mailing date of the Office Action. The applicant's counsel dockets all office activity including Office Actions on a

computerized docketing program. Attached hereto as Exhibit 1 is a true copy of the firm's docket report for the period covering January 9, 2006 through April 14, 2006. The docket report indicates no entries for the Docket No. Smith-H for this matter.

If the office action were received in our office, the three month response date of April 10, 2006 would have appeared on this docket report. In addition, I have reviewed the office file for this matter as well as our computerized records and both indicate that the Office Action was not received. As stated in the original petition, the Office Action was not received in our office.

I hereby declare under penalty of perjury that the foregoing is true and correct.

By:   
Arthur M. Peslak, Esq.  
Reg. No. 35,642  
Attorney for Applicant

November 6, 2006  
Freehold, New Jersey

**MANDEL & PESLAK, LLC**  
80 Scenic Drive, Suite 5  
Freehold, New Jersey 07728

# Week of January 9, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
9 7:00a VACATION Mandel LDM - Vacation 9:00a TRIAL Krupnick Realty Co Trial - Ocean County Special Civil - CR 6	10 9:00a REPLY MO J & D Consultants Defendants' reply to motion due.	11	12	13 8:30a CLOSING Mark Properties, LLC Closing of Title to be held On or About 1/15/06 9:00a DEADLINE Colts Neck Reformed Church DEADLINE FOR ARTICLES FOR FEBRUARY 2006 NEWSLETTER (AP) 9:00a S-DISCOV Izzo Answers to all written discovery shall be completed and served by this date.	14
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December 2005						
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January 2006						
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# Week of January 16, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
16 F-DECLAR Ascolese File Declaration Under Sections 8&15 between 1/16/06 and 1/16/07. Reg. Date: 1/16/01. 8:30a CLOSING Mark Properties, LLC Closing of Title to be held On or About 1/15/06 9:00a REPLY MO J & D Consultants Our Response to Defendants' reply to motion due.	17 9:00a ARB Whitman Court-Ordered Arbitration - Law Center - 10:00 AM		19 9:00a ARB Whitman ADJOURNED - Court-Ordered Arbitration - Law Center - 10:00 AM 10:00a DEPO IZZO OF LOUIS IZZO 12:00p DEPO IZZO OF PAUL IZZO	20 9:00a MOTIONHR J & D Consultants ADJ TO 2/17/06 Summary Judgment Motion - Ocean County Court -Judge Foster 9:00a MOTIONDY IZZO NOM to file Second Amended Complaint	21
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# Week of January 23, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
23 3:30p CONSULT Mandel & Peslak, LLC Nathalie Hackett - Patent Consultation (908-770-5376 - Cell)	24 10:00a CONSULT Mandel & Peslak, LLC CANCELLED - Chris Carney - Patent Consultation (646-594-5834 - Cell) 2:00p SHERSALE Krupnick v. Franklin ADJ BY SHERIFF TO 1/24/06 at request of Franklin Attny - Sheriff's Sale - Franklin Mortgage Foreclosure	25 DEADLINE Berry 30 day testimony period for party in position of defendant to close 1/25/06 L-3 Communication v. Intermark USA, LLC, Serial No.: 76/572,412, Mark: L3 Timeless Opposition No.: 911163683 11:00a APPT McGregory, Sakeena CANCELLED - Appt to Discuss Copyright Matter with LDM - WILL MAIL 4:00p CONSULT Mandel & Peslak, LLC Joe Mayerski - Patent Consultation (732-244-3000 - Mid-State Title)	26 SOU Alvaro SOU or 1st Ext Req due 1/26/06, NOA Issue Date 7/26/05, Serial No.: 76/600,394	27 8:30a TRIAL Custom Computer Solutions ADJOURNED Non-Jury Trial, Hudson County, Special Civil Part, Judge Messano, Court Room B2, Brennan Courthouse, 2nd Floor, 583 Newark Avenue, Jersey City (201-795-6680)	28
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December 2005						
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January 2006						
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February 2006						
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# Week of January 30, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<b>30</b> 8:30a CONSULT Mandel & Peslak, LLC Avraham Frichter - Consultation (732-363-7156) 10:30a CONSULT Mandel & Peslak, LLC Aldo McCoy - Copyright Consultation (732-840-9272; Shop; 732-604-2755, Cell; 732-267-3816, Girlfriend)	<b>31</b> 1 8:00a RESPOA Abbruscato Deadline to Respond to Office Action without Payment of Extension Fees 9:30a CONSULT Mandel & Peslak, LLC Frank Simonetti - Patent Consultation ( )	2	3 9:00a MOTIONHR Izzo Paul Izzo Motion to Dismiss Kreizman Complaint before Judge English 2:00p C-MANGM Izzo Case Management Conf before Judge English	4	5

December 2005						
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# Week of February 6, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
6 7:00a VACATION Peslak VACATION 2/6/06 - 2/10/06	7 7:00a VACATION Peslak VACATION 2/6/06 - 2/10/06	8 7:00a VACATION Peslak VACATION 2/6/06 - 2/10/06 9:00a C-MANGM Izzo ADJ to 2/14/06 Case Management Conference - Judge Amy Chambers, 9:00 A.M. 9:00a TRIAL Mark Properties, LLC COMPLAINT WITHDRAWN Trial - Ocean County Small Claims Court - Judge Peterson	9 7:00a VACATION Peslak VACATION 2/6/06 - 2/10/06	10 7:00a VACATION Peslak VACATION 2/6/06 - 2/10/06 8:30a TRIAL Custom Computer Solutions ADJ - DEFALTED - Non-Jury Trial, Hudson County, Special Civil Part, Judge Messano, Court Room B2, Brennan Courthouse, 2nd Floor, 583 Newark Avenue, Jersey City (201-795-5680) 9:00a DEADLINE Colts Neck Reformed Church DEADLINE FOR ARTICLES FOR MARCH 2006 NEWSLETTER (SF)	11

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# Week of February 13, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
13 9:00a ARB Whitman Court-Ordered Arbitration - Law Center - 10:00 AM	14 9:00a TEL CONF Izzo Telephone Conference with Judge Chambers - McKenna to initiate 9:30a APP Toll Meeting with AMP 11:00a CONSULT Mandel & Peslak, LLC ADJ to 2/21 - Eddie Dixson - (732-643-9909) - continue patent process	15 10:00a DEPO IZZO OF CAROL GUTTERMAN - J.LUNDY ADVISED	16 9:00a ARB Whitman Court-Ordered Arbitration - Law Center - 10:00 AM	17 8:00a RESPOA Toll Deadline to Respond to Office Action without Payment of Extension Fees 9:00a MOTIONHR J & D Consultants Summary Judgment Motion - Ocean County Court - Judge Foster 9:00a MOTIONHR J & D Consultants Gilberti Motion to Vacate Default and Denying LDM Summary Judgment Motion - Ocean County Court - Judge Foster 9:00a MOTIONHR Izzo Motion to Dismiss for Failure to Ans Rogs -	18
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January 2006						
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February 2006						
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March 2006						
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# Week of February 20, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
20	<p>21 10:00a DEPO Izzo ADJ TO 2/15/06 OF CAROL GUTTERMAN 11:00a CONSULT Mandel &amp; Peslak, LLC TENTATIVE - Eddie Dixon (732-643-9909) - continue patent process 2:00p CONSULT Mandel &amp; Peslak, LLC Saeth Latif - (908-510-2990) - Consult re TM Matter (Fax: 732-283-1431) 4:00p CONSULT Mandel &amp; Peslak, LLC Joel Auerbach (908-309-1892) - Partnership Agreement Consult</p>	<p>22 9:30a APPT Carr T.Carr to meet with AMP</p>	23	<p>24 9:00a RESPOA SEMET, KATHLEEN Deadline to Respond to Office Action - with extension fees. 11:00a APPT DeLorenzo Tony DeLorenzo to meet with LDM</p>	25

January 2006						
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February 2006						
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March 2006						
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# Week of February 27, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<p>27 10:00a APPT Carr T.Carr to meet with AMP</p>	<p>28 9:00a DEP2 Izzo Deps of all fact witnesses to be completed by this date.</p>	<p>1 1:00p CONSULT Mandel &amp; Peslak, LLC Ken Cascio - Entertainment Law Consult 2:00p CONSULT Mandel &amp; Peslak, LLC Steve Gershmanoff (732-845-9800) - Consult 4:00p CONSULT Mandel &amp; Peslak, LLC Meryl Patmore (908-216-4866) - Patent Consult</p>	<p>2</p>	<p>3</p>	<p>4 DEADLINE Berry 15 day rebuttal testimony period for plaintiff to close 3/4/06, Opposition No.: 91163683 L-3 Communications Corp. v. Intermark USA, LLC, Serial No. 76572,412, Mark: L3 Timeless</p>

January 2006						
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February 2006						
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March 2006						
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# Week of March 6, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
6 8:30a TRIAL Custom Computer Solutions ADJ-DEFAULTED Non-Jury Trial, Hudson County, Special Civil Part, Judge Messano, Court Room B2, Brennan Courthouse, 2nd Floor, 583 Newark Avenue, Jersey City (201-795-6680)	7	8	9 3:00p TEL CONF Carr Organizational Telephone Conference with Mediator, W. Elovich and G. Mason. Elovich to initiate. 4:30p CONSULT Mandel & Peslak, LLC Sharon Risden (908-309-1892) - Patent Consult (Fax: 732-739-9358)	10 9:00a DEADLINE Colts Neck Reformed Church DEADLINE FOR ARTICLES FOR APRIL 2006 NEWSLETTER (AP)	11
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# Week of March 13, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
<p>13 9:00a DEP2 Izzo Per Judge Chambers - Deps to be completed 3:00p CONSULT Mandel &amp; Peslak, LLC Peter Mauro (609-882-8546-H) (609-883-7089 - W) Allentown High School)) - Copyright Consult (Recommended by NJEA Attorney Mr. Hunter)</p>	<p>14 10:00a DEPO Izzo Dep of Joel Kreizman - ADJ</p>	<p>15 9:00a DEP2 Izzo Per Judge Chambers - Deps to be Completed 9:00a F-MOTION Murray FILE MOTION PAPERS IF NO RESPONSE TO FEE ARB LETTER RECEIVED</p>	<p>16 9:00a DISCOPEN Berry Opposition Discovery Period To Open 11:00a APPT Petruski Mtg. with GPetruski at Somerset Raritan Valley Sewerage Commission, Polhemus Lane, Bridgewater (732-460-0593)</p>	<p>17</p>	<p>18</p>

February 2006						
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March 2006						
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# Week of March 20, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
20 9:00a TRIAL Izzo ADJ - TRIAL - Judge Joseph P. Quinn - Monmouth County Court House, Court Room 318W (732-677-4245 Tim 1) ADJOURNED TO July 24, 2006	21 5:30p INTERVW Mandel & Peslak, LLC Interview - Janet Berwick	22 3:00p CONSULT Mandel & Peslak, LLC ADJOURNED Kathy & Tim Miller (732-335-9793) - Consult - Set Up of New Business	23 OA Argyelan Response to OA due, Serial No.: 78/578,203 10:00a DEPO Carr Defendants Deposition of Monmouth County Prosecutor 10:00a DEPO Carr Defendants Deposition of Records Dept. Rep., Manalapan Police Department 1:00p DEPO Carr Defendants Deposition of David Ragoza, Elite Fitness 4:00p CONSULT Mandel & Peslak, LLC ADJ BY MR. TARVER - Tom Tarver (848-525-0020 - C) - Copyright Consult	24 9:00a ANSWER Nikolaios Answer to Complaint Due 10:30a MEET Whitman Meeting of all Parties at Wilkin & Guttenplan	25

February 2006						
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March 2006						
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April 2006						
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# Week of March 27, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
27 10:00a INTERVW Mandel & Peslak, LLC Interview - Sonia Serrano 11:00a CONSULT	28 9:30a CONSULT Mandel & Peslak, LLC Jim Roese (Howell Police Officer) (732-610-6686 732-569-4638-Pager) - Consult (LDM) 10:00a DEPO Carr ADJOURNED Defendants Deposition of Mark Cowan, Elite Fitness (AMP)	29 9:00a PAYISSUE Ascolese \$400 Issue Fee Due - NO EXTENSIONS 9:00a ANS-COUN J & D Consultants DONE Answer to Counterclaim Due 1:00p APPT Peslak Meeting with George and George's Client 2:30p CONSULT Mandel & Peslak, LLC Chad Scanlon and Friend Tim (732-278-6784) - Entertainment Law Consult - have contract to be reviewed (LDM)	30 10:00a C-CLIENT Samoles John and Dan Samoles to meet with Larry to discuss Answers to Rogs, etc. (LDM)	31 9:00a MOTIONS Izzo Dispositive Motions, if any, to be served by this date. 9:00a MOTIONHR Murray Motion for Leave to Withdraw as Counsel 9:00a MOTIONHR Carr ADJ TO 4/12/06 Klafter & Mason Motion to Compel Discovery 9:00a MOTIONHR Izzo ADJ TO 4/21/06 AMP Motion to Dismiss JKreizman Amended Complaint, Judge English 9:00a MOTIONHR Izzo ADJ TO 4/21/06 JKREIZMAN Motion to Compel Discovery, Judge English 11:00a CONFCALL Berry Conference Call - LDM, Basil Englis, Grant Berry - AT&T Conf Ctr to Connect	1 MAINFEE ALBANESE First Maintenance fees are due 4/1/06 MAINFEE Dilascia Maintenance Fee due 4/01/06. Send out reminder to client - RAN-005
Wasas - Patent Consult (LDM)					2

February 2006						
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March 2006						
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April 2006						
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# Week of April 3, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
3 9:00a ANSWER Wagner Answer to Third Party Complaint Due (LDM)	4 SOU Trotter Must file SOU or 1st Ext Req by 4/4/06, Serial No.: 76/594,245 NOA Issue Date 10/4/05 SOU Berry Must file SOU or 1st Ext Req by 4/4/06, Serial No.: 76/564,601 NOA Issue Date 10/4/05 Mark: SLIDE SHADOW RENEW Spitz Second renewal due for NJ State TM Registration, Reg No. 13885. 9:00a DISC END 19th Hole Products, LLC DISCOVERY PERIOD ENDS RE Cancellation No. 92044933, Reg. No. 2985566 9:00a ARB Whitman Court-Ordered Arbitration - Law Center - 10:00 AM 9:00a DISC RS Whitman Response to Subpoena from Hagaman & Bleich Due 4:00p TEL CONF Wagner ADJ - TO APRIL 19, 2006 - Initial Mediation Telephone Conference - Mr. Tice Initiating??	5 9:00a RESPONSE Murray Deadline for Initiation of Fee Arbitration 9:30a DEPO Carr ADJ BY ELOVICH - Fingerlin, Office of Wendie L. Elovich, Esq., 180 White Road, Suite 204, Little Silver, NJ 07739 4:00p CONSULT Mandel & Peslak, LLC Jim Wasas (O-732-528-0556; C-908-783-0271) - WITH PARTNER GUS (CONSTANTINE) LJAPS Patent Consult	6 9:00a DISCASE Mandel Mandel v. Karka - Dismissal Date	7 9:00a DISC RS Carr Response to Document Request Due 9:30a CONSULT Mandel & Peslak, LLC Guy Rainone and friend Vincent (C-908-601-5700; F-732-671-2846) - Patent Consult 11:00a CONSULT Mandel & Peslak, LLC CONSULTATION - GILBERT FLAHERTY (732-557-0533) REFERRED BY ROBERT KING. (LDM)	8

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# Week of April 10, 2006

For: All People; No reminders

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
10 RENEW Avenues In Leather File Declaration 8 & 15 between April 10, 2006 and April 10, 2007. Registration No 2442636 F-DECLAR Aufseeser File Declaration Under Sections 8&15 between April 10, 2006 and April 10, 2007. Registration Date is April 10, 2001. Reg No. 2443165. F-DECLAR Chinery File Declaration Under Sections 8&15 between April 10, 2006 and April 10, 2007. Registration Date is April 10, 2001. 9:00a DEADLINE Colts Neck Reformed Church DEADLINE FOR ARTICLES FOR MAY 2006 NEWSLETTER (SF)	11 9:00a ANSWER Mandel & Peslak, LLC Vider Answer to M&P Complaint - Due (LDM) 10:00a CONSULT Mandel & Peslak, LLC CONSULTATION - Kim Settanni (732-431-1587) PATENT CONSULT. (AMP)	12 9:00a MOTIONHR Carr Klafter & Mason Motion to Compel Discovery - ADJ FROM 3/31/06 (AMP) 9:00a MOTIONHR Carr Elovich Cross-Motion Seeking Mason Recusal as Counsel for Defendants (AMP) 10:00a APPT Sorrento Jerry Sorrento to Meet with Larry 1:30p DEPO Izzo AJOURNED BY RUBIN TO 4/27/06 Telephonic Dep of David Haga, Esq. at Gallagher & Kennedy, 2575 East Camelback Road, Phoenix, AZ 10:30 AM Phoenix time (AMP)	13 8:30a TRIAL Custom Computer Solutions ADJ TO 5/2/06 Non-Jury Trial, Hudson County, Special Civil Part, Judge Messano, Court Room B2, Brennan Courthouse, 2nd Floor, 583 Newark Avenue, Jersey City (201-795-6680) (LDM)	14 9:00a FILE SJM Izzo Per Judge Chambers - Deadline to File Summary Judgment Motion is 4/15/06 (AMP) 9:00a DEADLINE Hamlett Deadline to Cure Default - Start Foreclosure Proceedings 9:00a IROGSDUE Nikolatos Deadline for Serving Interrogatories and NTP (AMP)	15
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